

108TH CONGRESS
1ST SESSION

S. 1355

To authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2003

Mr. SMITH (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wallowa Lake Dam
5 Rehabilitation and Water Management Act of 2003”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ASSOCIATED DITCH COMPANIES, INCOR-
9 PORATED.—The term “Associated Ditch Companies,

1 Incorporated” means the non-profit corporation by
2 that name (as established under the laws of the
3 State of Oregon) that operates Wallowa Lake Dam.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior, acting through the
6 Commissioner of Reclamation.

7 (3) WALLOWA LAKE DAM REHABILITATION
8 PROGRAM.—The term “Wallowa Lake Dam Reha-
9 bilitation Program” means the program for the re-
10 habilitation of the Wallowa Lake Dam in Oregon, as
11 contained in the engineering document entitled,
12 “Phase I Dam Assessment and Preliminary Engi-
13 neering Design”, dated October 2001, and on file
14 with the Bureau of Reclamation.

15 (4) WALLOWA VALLEY WATER MANAGEMENT
16 PLAN.—The term “Wallowa Valley Water Manage-
17 ment Plan” means the program developed for the
18 Wallowa River watershed, as contained in the docu-
19 ment entitled “Wallowa Lake Dam Rehabilitation
20 and Water Management Plan Vision Statement”,
21 dated February 2001, and on file with the Bureau
22 of Reclamation.

23 **SEC. 3. AUTHORIZATION TO PARTICIPATE IN PROGRAM.**

24 (a) AUTHORIZATION.—The Secretary—

1 (1) may provide funding to the Associated
2 Ditch Companies, Incorporated, in order for the As-
3 sociated Ditch Companies, Incorporated, to plan, de-
4 sign and construct facilities needed to implement the
5 Wallowa Lake Dam Rehabilitation Program; and

6 (2) in cooperation with tribal, State and local
7 governmental entities, may participate in planning,
8 design and construction of facilities needed to imple-
9 ment the Wallowa Valley Water Management Plan.

10 (b) COST SHARING.—

11 (1) IN GENERAL.—The Federal share of the
12 costs of activities authorized under this Act shall not
13 exceed 80 percent.

14 (2) EXCLUSIONS FROM FEDERAL SHARE.—

15 There shall not be credited against the Federal
16 share of such costs—

17 (A) any expenditure by the Bonneville
18 Power Administration in the Wallowa River wa-
19 tershed; and

20 (B) expenditures made by individual farm-
21 ers in any Federal farm or conservation pro-
22 gram.

23 (c) COMPLIANCE WITH STATE LAW.—The Secretary,
24 in carrying out this Act, shall comply with otherwise appli-
25 cable State water law.

1 (d) PROHIBITION ON HOLDING TITLE.—The Federal
 2 Government shall not hold title to any facility rehabilitated
 3 or constructed under this Act.

4 (e) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be respon-
 5 sible for the operation and maintenance of any facility con-
 6 structed or rehabilitated under this Act.

8 (f) OWNERSHIP AND OPERATION OF FISH PASSAGE
 9 FACILITY.—Any facility located at Wallowa Lake Dam for
 10 trapping and transportation of migratory adult salmon
 11 may be owned and operated only by the Nez Perce Tribe.

12 **SEC. 4. RELATIONSHIP TO OTHER LAW.**

13 Activities funded under this Act shall not be consid-
 14 ered a supplemental or additional benefit under the Act
 15 of June 17, 1902 (32 Stat. 388), and all Acts amendatory
 16 thereof or supplementary thereto.

17 **SEC. 5. APPROPRIATIONS.**

18 There is authorized to be appropriated to the Sec-
 19 retary \$32,000,000 for the Federal share of the costs of
 20 activities authorized under this Act.

